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July 30, 2021

Via ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
NY, NY 10007

**APPLICATION GRANTED
SO ORDERED** 
VERNON S. BRODERICK
U.S.D.J. 8/2/2021

Re: *Resurrect by Night LLC v. Philipp Plein Americas, Inc., et al.*, No.1:21-cv-04948 (VSB), Request for Extension to File Default Judgment Against Defendant PP Retail USA, LLC

Dear Judge Broderick:

We represent the Plaintiff in the above-referenced matter. We write in regard to the Court's order dated July 26, 2021, concerning Defendant PP Retail USA, LLC. D.E. # 11. As the Court's order notes, this Defendant was served on June 16, 2021, and has not yet answered.

As an initial matter, the order states, in n.1, that the Court "assume[s], without deciding, that if this service was proper, it effected service on all Defendants." We wish to inform the Court that there are three Defendants in this case, one of which – Philipp Plein International AG ("Plein International") – is based in Switzerland. Plaintiff initiated the process of serving Plein International in Switzerland via the Hague Convention on or about June 10, 2021. The complaint was translated into Italian and arrived at the Swiss Central Authority ("SCA") on July 17, 2021. However, it is our understanding that the SCA has not yet forwarded the complaint to the appropriate court in Switzerland to serve Plein International.

This is a copyright infringement case. Per Plaintiff's complaint, the Defendants manufacture, advertise and sell a wide array of clothing that infringes upon two of Plaintiff's copyrighted designs. The Defendants advertise and sell the infringing products on multiple online platforms, reaching a worldwide audience. At this early stage of the litigation, Plaintiffs do not have the sales data from the Defendants on these infringing products and are not fully aware of the exact roles that each Defendant played in the infringements. Based upon Plaintiff's pre-suit investigation and research, we believe that Plein International is the principal defendant for this

case, and that Plein International possesses the infringing products' sales information that Plaintiff would need to most accurately assess damages attributable to each Defendant.

Because Plein International is located in Switzerland and service on it has not yet been completed, and because Plaintiffs do not have the relevant sales data from Defendant PP Retail USA, LLC to make a precise damages calculation for purposes of a default judgment, Plaintiffs request a 90-day extension in which to file a default judgment against PP Retail USA, LLC.

We thank your honor in advance for your attention to this matter.

Respectfully submitted,

/s/ Christopher M. Van de Kieft
Christopher M. Van de Kieft